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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 18 February 1946, 1000-1300, Lord Justice Lawrence presiding.

THE PRESIDENT: I have an announcement to make, and I make it in this order, in the form of paragraphs.

Paragraph 1: The Tribunal cannot accept paragraph 1 of the prosecution's motion as to the evidence of the defendants, dated 11 February 1946, but directs that in complying with Article 24-D of the Charter, counsel for defendants shall confine their evidence to what is required for meeting the charges in the Indictment.

The Tribunal will announce later their decision with regard to paragraphs 2 to 5 of the prosecution's motion.

Paragraph 2: With regard to thenaming of witnesses, etc., by the defense under Article 24-D of the Charter, which is referred to in paragraph 1 of Dr. Stahmer's memorandum to the Tribunal dated 4 February 1946, the Tribunal makes the following order:

In order to avoid delay in securing the attendance of witnesses and procuring of documents, and without prejudice to the defendant's right to make further application at the conclusion of the case for the prosecution, counsel for the defendant Goering, Hess, Ribbentrop and Keitel shall, before 5 p.m. on Thursday, the 21st of February, file with the General Secretary written statements giving the names of the witnesses and particulars of the documents they respectively desire to call or put in evidence, with a summary of the facts to be proved thereby and an exposition of the relevance thereof.

The Tribunal hereby appoints Saturday, the 23rd of February, at 1000 hours--that is to say, 10 o'clock--for the hearing of argument upon such statements in open session.

Paragraph 3: The Tribunal will, in due course, issue directions as to the filing of similar statements on behalf of the other defendants andthe hearing of argument thereon.

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Paragraph 4: The Tribunal will announce later their decision on the other matters raised in Dr. Stahmer's memorandum.

The Tribunal will now hear the defendants' counsel's application for a recess.

PROFESSOR KRAUS: Kraus, representing defendants' counsel.

The defendants' counsel are thankful to the Tribunal for the opportunity that is presented for them to give the reasons for their application for an adjournment of the trial after the conclusion of the prosecution, this application being of the 4th of February.

This application is the conclusion of a series of proposals with which the defense has striven to achieve a simple, clear, and as rapid a presentation as possible of its case.

This application requires, in our opinion, to be dilated on in only a few points.

First: All the defendants are accused of participation in a conspiracy. That is apparently intended to mean that every act brought up in the course of this trial, no matter by whom it was committed and to whom it was done, is charged against every one of these defendants, and that he can be convicted on every one of these acts. Even though the individual defense counsel finds certain fields with which he must concern himself particularly, there are, nevertheless, no fields at all which he can entirely ignore.

Since most of the defense counsel are working with only one assistant, and sometimes alone, it can be seen how enormous is the extent of the labor involved in the examination and discussion of the material that is daily presented by the prosecution. The necessary, continual discussions with the defendants uses up the evening hours and the days on which there are no sessions. These discussions are, moreover, because of the security measures that have been taken, very exhausting.

It is, therefore, simply beyond the strength of the individual defense lawyer, along with his attendance at the trial and his continuous working over of the material presented at the trial, to make those intellectual and technical preparations that can justifiably be expected in a trial of such significance as this one.

Secondly: The material presented is not yet conclusive. The Russian Prosecution is presenting new evidence daily. In the opinion of the defense

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counsel, it would lead to an incorrect evaluation of the extent and importance of the accusations which the Russian Delegation is presenting if the defense counsel were expected to conclude their preparations for their defense before they had even heard the conclusions of the prosecution's case.

Thirdly: The Tribunal has already been informed, in the written application, of the difficulties involved in getting evidence. A few examples might be cited in this regard, examples to which every one of the defense counsel could add.

One member of the defense counsel, in November of last year, applied to call a witness who was of decisive importance for the presentation of his case. The application was approved by the Tribunal. Although this witness was a very high German official, it was only in January of this year that the camp could be found at which he then was. The witness has, thus far, not turned up in Nurnberg. Therefore, the defense lawyer has, so far, no idea as to which questions this witness can testify on and what he would testify.

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Another example: In numerous cases the place of residence of witnesses could not be determined, whose appearance at the trial the Tribunal had ordered in orders of November of last year. Defense counsel can help in no way in finding out where these witnesses are, in all those cases in which the witnesses are to be found in allied prisons, if they -- that is, the witnesses -- have no opportunity to provide information as to where they are.

Another example: One part of defense counsel, has been asked, for the hearing of witnesses outside Germany, to present questionnaires in which they are to state where these witnesses are to be heard. The answers to these questions have yet to return, in any case, to the defense counsel. In the case of witnesses who live in Germany, the defense counsel have repeatedly been asked to provide the interrogation themselves or to present a written declaration. Since the defense counsel are obliged to stay in Nurnberg during the sessions of the trial, they could fulfill this request only if there were a long adjournment.

Another example: One member of the defense, at the beginning of November, applied to submit a series of documents which were indispensible for his case. The documents are in the possession of one of the signatories of the Charter. They have been examined by the prosecution and have been submitted in evidence by the prosectuion, in so far asthey serve to implicate the defendant in question. The defense counsel is still not in possession of these exonerating documents.

Fourthly: We should like to emphasize again the purely technical difficulties that arise from the mimeographing and multiple translations.

THE PRESIDENT: Just one moment, Professor Kraus. You referred to a document which you said was indispensible, which was in the possession of the signatory power, examined by the prosecution and put in evidence in this case, and the defendants are still not in possession of it.

What is the reference to that document?

PROFESSOR KRAUS: No, Mr. President, it is a collection of documents in which the incriminating parts were presented by the prosecution, but we defense counsel have yet to come into possession of the exonerating parts of that collection of documents.

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Dr. Kranzbuehler can give you further details on that subject.

THE PRESIDENT: Well, there is an application, I know, by Dr. Kranzbuehler, but if it is really a part of a document, the Tribunal has ruled on several occasions that if the prosecution puts in a certain part of a document, the whole of that document must be available to the defendants' counsel so that they can criticize and comment upon any other part of it which may throw light upon thepart of the document which is put in evidence.

PROFESSOR KRAUS: Here it is not a single document in question, but a whole collection of documents. Dr. Kranzbuehler is anxious to have, from that collection of documents, those that would assist him in his exoneration of his client, since the incriminating documents have already been presented by the prosecution.

THE PRESIDENT: You may continue.

PROFESSOR KRAUS: Fourthly: The defense is thankful to the prosecution for the readiness they have shown in assisting the defense in the translations and mimeographing. The great difficulties which the prosecution itself has had in this matter, and the repeated discussions that the Tribunal have had to have on this matter, show, nevertheless, that an efficient solution of this problem will demand a certain length of time.

The defense is anxious to assure the Tribunal of its readiness and its intention not to prolong the trail unnecessarily. Nevertheless, they are of the opinion that an inadequate preparation before the beginning of the defense will inevitably lead to a corresponding delay in the course of the defense, and that the results of such a defense might conceivably not suffice to the Tribunal to allow them to pass a fair verdict.

The defense counsel agree with the Tribunal that this trial, so important in history of humanity, must be conducted throughout with peace and reflection, with that peacefulness and clamness that have characterized its previous course. Moreover, the understandable impatience of those who wish a quick ending of the trial must not be allowed to interfere with this.

In this sense the defense requests the prosecution to support is application. The length of time applied for, namely, three weeks, cannot be considered unreasonable in view of the entire length which the prosecution has

taken to complete its case. The granting of this length of time would, on the other hand, contribute to the fact that the defense, in the pursuit of its case, would find itself in a spiritually and a materially lightened circumstance.

The fact has been mentioned that a number of us have subscribed to today's application contrary to the opinion of the defendants we represent, but we feel that we must rely, in these matters, exclusively on our own consciences and on our professional tasks as defense lawyers.

Consequently, we ask the Tribunal to take notice of the fact that after serious and basic consideration my colleagues and I, without exception, are of the opinion that the length of time applied for, namely, three weeks, is the minimum which is necessary for an orderly preparation of the defense.

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THE PRESIDENT: Dr. Kraus, the Tribunal would like to know if you can answer the question whether Defendants' Counsel have by this time ascertained all, or nearly all, the witnesses whom they desire to call in evidence; whether they have made up their minds, up to this stage, as to what witnesses they desire to call.

PROFESSOR KRAUS: I cannot answer this question. I should have to ask among my colleagues. The cases are different in the case of individual lawyers. Some of them are more or less ready; others not.

SIR DAVID MAXWELL-FYFE: May it please the Tribunal, I think it would be convenient if I followed the admirably lucid exposition of Professor Kraus by asking the Tribunal to direct its attention to two aspects of the matter: first, what Professor Kraus called the intellectual preparation, and secondly, the mechanical necessities of presentation of the Defense.

On the first point I draw the attention of the Tribunal to the way that it is put in the written application signed by Dr. Stahmer, which was followed in the main by Professor Kraus today. It is stated that a respite is required for the construction of the Defense after conclusion of the Indictment, that is, of the Prosecution; secondly, that the Defense Counsel have, until now, not had the time to prepare their Defense in such a manner that smooth functioning is guaranteed; and thirdly, a line or two lower down, in justice it cannot be expected of the Defense Counsel that they will be able to answer on the spot.

I respectfully request the Tribunal's attention to some matters of dates.

The Indictment in this case was filed on the 18th of October, which is exactly four months ago today. The Defendants were immediately acquainted with the contents of the Indictment, and it is a document of sufficient public importance to give ground for the belief that Defense Counsel must have had, at any

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rate, its general contents very quickly in mind.

On that day General Nikitchenko, presiding over this Tribunal, stated at Berlin, "It must be understood that the Tribunal, which is directed by the Charter to secure an expeditious hearing of the issues raised by the charges, will not permit any delay either in the preparation of the Defense or of the trial."

I remind the Tribunal that the Indictment contains more full particulars than probably any indictment in the history of jurisprudence.

The third point is that preliminary lists of documents were placed in the Defendants' information center on the 1st of November. The lodgment of preliminary documents, not completely but amounting to many hundred, was made on the 5th of November. Except for one, Dr. Bergold on behalf of the Defendant Bormann, all Counsel representing individual Defendants were appointed by the 10th of November.

Next, there have been four detailed speeches by the Prosecution explaining the scope and emphasis of the Prosecution's case. Every experienced advocate knows that the opening speech giving the emphasis is one of the most important matters for the Defense.

As Professor Kraus said, from the beginning of November there have been applications for witnesses. I shall deal later with certain of the individual points, but I want to say this generally, that any one who has read these applications must be aware that the Defense, from an early date, have appreciated not only the case they have to meet, but the line which they wish to pursue.

My next point is that having heard practically the whole case on Counts I and II, the common plan and aggressive war, the Defendants received a 12-day recess at Christmas, and it was indicated by the President that this was in part, at any rate, for their assistance.

It is a point of fair comment that most of us have been engaged in quite considerable trials where men's lives have been at stake

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when any question of any adjournment at all would not come into the picture. But this case does not stop there.

My next point is that on Counts I and II, the common plan and aggressive war, the cases against the individual Defendants were co-ordinated and the relevant documents collected in the individual presentations. In every case Defendants' Counsel had these documents and trial briefs by the latest at the middle of January. All the presentations were concluded by the 17th of January except for 4. The matter has been brought up to date by the expositions of M. Dubost, M. Quatre, and by my Soviet colleagues as they went along. In addition, the transcripts, of which each Defendant receives a copy in German, show the weight and emphasis which the Prosecution attach to the different individual cases.

We all know, from our own experience, that you cannot prepare any Defense in any trial without the burning of midnight oil, but I do impress upon the Tribunal that the assistance which has been given and the time which has been allowed is remarkable in this case.

I want to deal much more shortly with the mechanical side of it, because Professor Kraus has been fair enough and good enough to say that the Prosecution have given assistance. And I want to say this, that we are quite prepared, when there is any question of photostating a German document, or of mimeographing or reproducing a document in any other way, or in providing additional clerical assistance, to go beyond what we have done and to meet any request made to us to the utmost of our ability.

Now I want to deal with the essential point which Professor Kraus has made, that the Prosecution have had a long time to prepare and develop their case, and the Defense have corresponding rights.

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In my respectful submission, there is this essential difference between the case for the Prosecution and the case for the Defense. The Prosecution must cover the whole field; the Defense selects the issues on which it will make its fight.

I respectfully disagree with the contention of Professor Kraus that that is altered by the fact that we are here deatling with a conspriacy charge. Whether the charge is conspriacy or not, there are certain facts which are not in dispute. There are ceftain facts which will be, as is indicated by Dr. Stahmer's memorandum, the subject of legal argument or discussion as to the true inference to be drawn from them, and the fact that a case is based on conspiracy does not alter the fact that certain matters are either going to be contradicted by evidence or left uncontradicted.

I, myself, have seen nothing to suggest that, for example, the re-establishment of military forces in Germany, the occupation of the Rhineland, the Anschluss in Austria, the existence and circumstances of concentration camps, many of the actions of certain SS divisions and bodies under Himmler, are going to be disputed at all, because the defendants' counsel have had the opportunity of cross examining witnesses on many of these matters, and there has been no challenge by cross examination.

I do not question for the moment nor seek to deal with the decision of the Tribunal this morning, which, of course, I accept with the utmost loyalty, but I hope the Tribunal will not think it wrong for me to mention in explanation that the Prosecution were anxious for the Defense to eliminate the matters in issue and would have been prepared, so far as it lies with them, to agree to a certain time being given for that purpose. But yet, the defendants have said -- and again I make no complaint -- that they are not prepared to do it. Therefore, that reason for adjournment disappears.

I do not want the Tribunal to think that we are either unimaginative or unreasonable. We know, because we have seen the other side of the shield, that there are certain mechanical matters and matters of conclusion of preparation which have to be done before a case is put forward. We quite appreciate that the defenders of Goering, of Hess, and of Ribbentrop may require a day or two to put their tackle in order, but I want to make clear that that, in

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our view, is quite different from a three weeks' adjournment.

I respectfully agree with every word that Professor Kraus has said about the maintenance of the dignity of the trial, but it is not essential, in my respectful submission, for the maintenance of the dignity of the trial that the trial should take place in slow time. That would not only be wrong, but it would be directly contrary to the portion of the Charter to which General Nikitchenko referred at Berlin.

With regard to witnesses, there are, as the Tribunal knows, certain difficult matters, in that to begin with the defendants asked for many witnesses who were very largely repetitive, and they have, as I judge the applications, begun recently to get clear whoare the essential witnesses, and the Tribunal will rule on that finally as it has indicated.

I only take one other example. Professor Kraus mentioned the question of certain documents for which Dr. Kranzbuehler was asking, which were, as I understand it, U-boat diaries. I have arranged that Dr. Kranzbuehler's assistant will be enabled to go to London and examine thesd documents at his leisure in the Admiralty. That is on paper in our reply. I respectfully submi that that sort of attitude is the best and most helpful attitude for letting the defense get what they wish.

Mr. President, I have nearly exhausted my time, and I only say this in conclusion: The Prosecution has had to collate and coordinate actions taking place over a long period, certainly 12 years, in some cases 20 years. We have collated and coordinated the evidence of these actions. We have presented a case which is grounded mainly on the written statements or written records of statements made by the defendants themselves. The task before the defense is to give the explanation, what they way is the true color of words that have been proved and not disputed to have some out of their own mouths.

They have had the time which I have stated, and which I shall not repeat, but that being the state of this case, it is the attitude of the Prosecution, with, as I say, every desire to help in any way that is possible in the actual work, whether it be mechanical or preparing documents or otherwise, that the defense cannot rightfully ask for further time for general reflection and

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consideration on a case which has that basis. We therefore respectfully but firmly object to any adjournment other than a matter of individual days, not more than a week, certainly -- we should say less than that -- for the purpose of completing preparations and putting mechanical tackle in order.

That, Mr. President, is the attitude of all my colleagues.

THE PRESIDENT: The Tribunal will consider its decision on this matter and it will adjourn this afternoon at 4:00 o'clock in order to consider the other matters which are raised in Dr. Stahmer's memorandum.

SIR DAVID MAXWELL-FYFE: Very good.

Before I sit down, I am asked by my colleagues to make this clear. I, myself, did not tie myself in my argument to any number of days because a weekend may intervene and different considerations may arise, but my colleagues wish it to be before the Tribunal that their view is that taking into account the time which will elapse before the Soviet case is concluded, and the argument on the organizations for which time has to be allowed, two days is the figure they have in mind, although, as I say, a weekend may intervene which may add to that. I want to make it quite clear that we are quite definite.

I am very grateful.

THE PRESIDENT: Colonel Smirnov, will you continue your address.

COLONEL SMIRNOV: I continue presentation of evidence in regard to Yugoslavia.

Information on the criminal system of hostages was fully developed in Yugoslavia. The Government of Yugoslavia presented a whole series of originals and certified photostatic copies of different documents. I shall not present my own comments of these documents which were incorporated

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into the report of the Yugoslav Government, but I shall limit myself to presentation of the documents themselves, since they are definite and do no need any more comment.

I present as No. USSR-256 an original announcement of August 12, 1941, in which announcement there was mentioned the shooting of ten hostages. The printed poster was signed by the German Police Commissioner in Lasko, Hrabetzky.

Further, as USSR-148 I present a certified photographic copy of an announcement of the shooting of 57 persons. This poster was printed on November 13, 1941, and was signed by Kutschera.

Further, as USSR -144, I present a certified copy of an announcement of January 21, 1942, relating the shooting of 15 hostages. The poster was signed by Roesner.

As USSR-145, I present a certified photographic copy of a poster announcing the shooting of 51 hostages, and the date is 1942. It is signed by Roesner.

USSR-146 is an original announcement printed as a poster, signed by Rossner, which announced that on March 31, 1941, 29 hostages were shot.

As USSR-147, I present a certified photographic copy of the announcement printed as a poster, signed by Roesner, which announced that on July 1, 1942, 29 hostages were shot.

Those documents are intended to prove that the system of hostages was fully exploited in Yugoslavia.

To conclude my presentation in this particular field, I shall submit as USSR-304, Report No.6 of the Yugoslav Extraordinary State Commission Investigating War Crimes. I quote one paragraph of this document:

"The group of hostages at Celje were publicly hanged on the hooks which butchers use for hanging meat, onto which the necks of the unfortunate men were garroted. In Mariber, the victims in groups of five had to lead the bodies of those already executed hostages into coffins and then onto trucks. After that, they themselves had to face the executioners' rifles, while the next group of five had to remove their bodies in turn. The Sodna Street in Mariber was all soaked in blood which was streaming out of the trucks."

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I end my quotation here.

It seems to me that in presenting to the Tribunal a resume establishing the terroristic regime, that resume would not be complete if nothing were said about such countries as Greece, a country which also was the victim of a terroristic regime established there by German Fascists. Therefore, I present to the International Military Tribunal a report of the Government of the Greek Republic, and this report is certified with the signature and seal of the Greek Ambassador in Great Britain, and also by the signature of the member of the British Foreign Office.

I shall read into the record a few excerpts from this report which concerns the setting up of the regime of Fascist terror in Greece, and which also deals with the same criminal system of hostages.

The war against Greece was declared on the 6th of April, 1941, and on the 31st of May, the German Commanding General in Athens published a frankly terroristic order which was directed against the peaceful population of Greece. The direct pretext for publishing this was the fact that on the 31st of May the Greek patriots tore down the German emblems.

I quote here this order of the Commanding General of the German Armed Forces in Greece, from the report of the Greek Government, on page 33 of the Russian translation. The order threatens severe punishment for the following reasons:

"a. Because in the night of 30-31 May, the German war flag was torn away by unknown persons. Those guilty of this act as well as their accomplices will be punished by death.

"b. Because press and public opinion of all classes still express themselves with evident sympathy in favor of the English, now expelled from Continental Europe."

Therefore, even sympathy towards the English brought the same terrible punishment.

"c. Because of events in Crete."

Evidently the Commander of the German Armed Forces was referring to the resistance of the inhabitants of the island of Crete to the German aggressors. They were not only condemned, but in one circle it was even commented on with satisfaction.

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"d. Because specifically forbidden repeated gestures of sympathy towards British prisoners were allowed, such as offers of gifts, flowers, free cigarettes, and these demonstrations were tolerated by the Greek police who did not intervene with the means at their disposal.

"e. Because the behavior of large numbers of people of Athens towards the German armed forces has again become less friendly."

From that time on, the same regime of Nazi terror was established in Greece that characterized the actions of the Hitlerite criminals in all territories occupied by them. In confirmation of that, I cite the report of the Greek Government on page 34 of the Russian translation. I quote, beginning with line 4 from the top of the page:

"In violation of Article 50 of the Hague Convention, they systematically punished the innocent, enforcing the expressly condemned principle of joint responsibility of the community for acts of individuals. They used starvation as an instrument of pressure, and for weakening the spirit of resistance of the Greek population.

"Very few people were tried in courts martial, and when held, such trials were something of an issue of mockery. They instituted a policy of reprisals constituting taking hostages and killing hostages, mass murders, and destruction and devastation of villages for acts committed in their vicinity by unknown individuals. The great majority of those executed were picked at random from prisons and camps, without any possible relation to the act in reprisal for which they were executed. The life of every citizen depended on the arbitrary decision of the local commander."

It seems to me that it would be quite correct to consider that one of the extremes of this terroristic regime which was established by them in Greece was the murder of thousands of people by starvation. On page 6 of the Russian text, in regard to this, they said the following:

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"It is an incontestable fact that the great majority of the Greek populationlived on the verge of starvation for nearly three years. Many thousands experienced real starvation for several months before relief shipments could reach them. As a result, the death rate increased by 500 or 600 per cent in the metropolitan centers and 700 per cent in the Greek islands from the period of September 1941 to April 1942. The infant mortality was 25 per cent, and the health of the survivors was greatly undermined."

The report of the Greek Government cites excerpts from reports of neutral missions. I quote one of those excerpts which is on page 38 of the Russian text of the Greek Government's report. I begin the quotation:

"During the winter of 1941-1942, when famine reigned in the capital, conditions in the provinces were still tolerable. During the following winter, however, when the relief for the larger towns had been exhausted by the free market, the situation was very different. During our first tours of inspection, in trying to investigate the situation in general, in March 1943 we made the acquaintance of a population literally screaming for bread. Many villages had only a substitute baked of flour, ersatz, wild grass and acorns, ordinarily food suitable only for pigs. In many districts, the population had received no other bread since December.

"We were taken inside the houses and were shown empty shelves and larders, and saw people cooking weeds with oil and salt in order to fill their stomachs.

"The inhabitants of the poorer villages were all extremely thin and the children, in particular, were often in a pitiful condition, with skinny extremities and swollen stomachs, without any natural vitality or cheerfulness. It was quite usual for half the children to be unable to go to school. (Report of the Swedish Delegates to the Peloponnesian Islands, January 1944.)"

In order to characterize the regime of hostages established by the Hitler criminals in Greece, I also quote excerpts from the Greek Government report. From the text of this report it is quite evident that shootings of hostages during the first weeks of the German occupation of Greece were set on a great scale. I quote, for this reason, an excerpt from the report on page 41. I begin at the third line from the top of the Russian text:

"Hostages were taken indiscriminately and from every class of the population, politicians, professors, scientists, lawyers, doctors, officers, civil officials, clergy, workers, women, all those labeled as 'suspect' or

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Communist', and were thrown into local prisons or concentration camps.

"Prisoners under interrogation were subjected to various ingenious forms of torture. Hostages were concentrated in places of confinement where the arrested persons were subjected to the most unbearable regime."

The report of the Greek Government, also on page 41 of the Russian text, states with regard to this matter:

"The inmates were starved, beaten, then tortured. They were made to live under perfectly inhuman conditions without medical help or sanitation. There they were subjected to the refined sadism of the SS guards. Many were shot or hanged. Others died from cruel treatment or starvation, and only a few were released and survived until the date of the liberation of the country.

"Hostages were also deported to concentration camps in Germany, Buchenwald, Belsen, Dachau, etc.

"The number of hostages shot amounts to some 91,000 hostages."

In order to fully understand on what a tremendous scale Hitlerite criminals committed their crimes in connection with the physical extermination of the Russian people in the territory of the USSR, I ask the Tribunal to refer to page 299 in the document book.

THE PRESIDENT: You are now passing away from Greece, are you, Colonel Smirnov?

COLONEL SMIRNOV: Yes, sir.

THE PRESIDENT: We will take a recess then.

(A recess was taken.)

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COLONEL SMIRNOV: I beg the allowance of the Tribunal to skip a number of items of my statement. These items, which I exclude from the text, are numbered, and I beg the allowance of the Tribunal to tell the interpreters how many pages I skip. I draw the attention of the Tribunal to a document which testifies to the great scale of the extermination of Soviet people during the temporary occupation of districts of the USSR. As a confirmation of this I refer to a document which the Tribunal will find on page 291 of the document file, at the end of the last paragraph of the first column and on the second column of the text. This has to do with the report of the Extraordinary State Commission concerning the destruction, plunderings and atrocities of the German fascist usurpers in the town of Rowno and the Rowno district. I submit this document as USSR Exhibit 45. I quote the results of the examination by legal-medical experts concerning the bodies which were exhumed:

"In all burial places in the town of Rowno and its surroundings, more than 102,000 corpses of people, shot or murdered by other methods -- peaceful Soviet citizens -- have been discovered, as well as prisoners of war. Out of this figure, in the town of Rowno, near the firewood depot on Beleya Street, 49,000 corpses have been discovered.

"In the town of Rowno, on Beleya Street in the vegetable gardens, 32,500.

"In the village of Sossenki, 17,500.

"In the stone quarries near the village of Vydumka, 3,000.

"In the lots belonging to the Rowno prison, 500."

I draw the attention of the Tribunal to the following text, where we read indications as to the distribution of certain methods of murder which were adopted by the criminals:

Shootings, as we can judge by the following points, took place in 1941.

The extermination of peaceful citizens in the gas wagons took place in 1943.

I skip the next page, and draw the attention of the Tribunal to that part of the document which is on page 240, second column of the text. These

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methods of extermination are typical for the regime of terror established by the Hitlerites in the temporarily occupied territories of the U.S.S.R.

I begin my quotation on page 240 of the document file:

"On the 8th of March, 1943, the 'Volyn' paper of the German occupation troops, published the following announcement:

"'On the 8th of March 1943, inmates of the Rowno prison attempted to escape, whereby they killed one German official and one guard. The escape was thwarted by the energetic action of the prison guards. By order of the commandant of the German SP (Schutzpolizei) and SD (Sicherheitspolizei), all prison inmates were shot that day.'

"In November 1943 the German district judge was murdered by an unknown person. As a measure of retaliation, the Hitlerites again shot more than 350 inmates of the Rowno prison."

I will not quote any further examples of the executions in the prisons, as in those documents which will be submitted to the Tribunal, the Tribunal will find a series of similar crimes committed by the Hitlerite usurpers on the territories of the USSR.

I pass on to the following part of my statement, the retaliatory destruction of the village population.

In the infinite chain of German fascist crimes, there are some crimes which will remain for a long time, and perhaps forever, in the memory of mankind, even though mankind will have learned about some crimes which are more important even than these. One of the crimes that will be so remembered is the destruction of a small Czechoslovak village called "Lidice", and the merciless annihilation of the population of that village.

Many times, and in even more cruel forms, the story of Lidice was suffered on the territory of the Soviet Union, of Yugoslavia, and Poland, but mankind will remember Lidice and will never forget it, for this little village became a symbol of Nazi criminality.

The destruction of Lidice was retaliation by the Nazis for the just execution of the Protector of Csekia, Heydrich, by the Czechoslovak patriots.

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The Chief Prosecutor of the USSR, when he spoke of Lidice, quoted a report of the Germans concerning this act of terror, which was published in the paper "Der Neue Tag" on the 2nd of June, 1942. I will quote an extract from the report of the Czechoslovak Government, which the Tribunal will find on page 172 of the document file:

"On the 9th of June, 1942, the village of Lidice was surrounded on the orders of the Gestapo by soldiers who arrived from the hamlet of Slany in ten large trucks. They allowed everyone to enter the village, but no one was allowed to leave it. A 12-year old boy tried to flee; a soldier shot him on the spot. A woman tried to escape; a bullet in the back frustrated her flight, and her corpse was found in the fields after the harvest.

"The Gestapo dragged the women and children to the school.

"The 10th of June was the last day of Lidice and of its inhabitants. The men were shut up in the cellars, in the barns and stable of the Horak family. They foresaw their fate and awaited it calmly. The 73-year old priest Sternbeck strengthened them with prayers."

I skip the following two paragraphs and pursue my quotation:

"The men were led out of the farm of Horak into the garden behind the barn by groups of ten. The massacre lasted from morning until 4 o'clock in the afternoon. Afterwards the executioners had themselves photographed with the corpses at their feet."

I skip the following four paragraphs and pass on to the fate of the population of Lidice:

"The fate of the men of Lidice has been described. 172 grown-up men and youths from 16 years upwards were shot on the 10th

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of June, 1942. Another 19 who worked in the coal mines of Kladno were later arrested in the collieries or in the nearby woods, taken to Prague, and shot. Seven women from Lidice were shot in Prague as well. The others, the remaining 195, were deported to the Ravensbruck concentration camp. Forty-two died from ill treatment; 7 were gassed; and 3 are missing. Four of these women were taken from Lidice to a maternity hospital in Prague, their newly born children murdered, and the mothers were then sent to Ravensbruck.

"The children of Lidice were taken from their mothers a few days after the destruction of the village. Ninety children were sent to Lodz in Poland, and from there to the Gneisenau concentration camp in the so-called "Wartheland". So far no trace of these children has been found. Seven of the youngest, less than a year old, were taken to a German hospital in Prague. They were to be brought up as Germans and were given German names. Every trace of them has been lost.

"Two or three children were born in Ravensbruck concentration camp. They were killed immediately after their birth."

The fate of Lidice was repeated in many Soviet villages. Many peaceful citizens of these villages perished in tortures even greater than being burned alive or became the victims of more torturous types of death.

I considerably summarize the example which I wish to quote, and I skip the next page of the text and draw the attention of the Tribunal to the text which is on page 295, second column of the text. This document was already submitted to the Tribunal by my colleague, Colonel Povrosky. It is a report of the Extraordinary State Commission on the Crimes of the Hitlerite Usurpers in the Lithuanian Soviet Socialist Republic. I quote only one paragraph:

"On the 3rd of June, 1944, in the village of Perchupe, the Trakai district, the Hitlerites surrounded the village and plundered it completely, after which, having driven all the men into one house and women and children into three other houses, they set fire to the structures. Those who attempted to flee were caught by the Fascist fiends and were again thrown into the burning houses. In this manner the entire population of the

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village, in all 192 souls, 21 men, 29 women (and I stress), 69 children, were burned to death."

I close the quotation and beg the Tribunal to turn to another document, which I submit as USSR Exhibit 279. It is the report of the Extraordinary State Commission on the Crimes of the German Fascist Invaders in the cities of Viazma, Gjatsk, and Sychev of the Smolensk region, and also in the city of Rjev in the Kalinin district.

I had intended to dwell on this report but I will now summarize it in order to shorten my statement.

I skip two pages of the text and pass on to page 145 of my text.

I quote:

"In the village of Sajtschiki, the Gestapo hangmen shut up the following persons in a house: Bergorawa, 70 years old, Dadonev, 5 years old, and many others, in all twenty-three people. They were burned alive in the house."

In retreating from the village of Dratschevo in the District of Goschazk in March, 1943, the assistant leader of the German Police, shut two hundred inhabitants in a house. Then follow the names of these people. The house was set on fire and in all two hundred persons were burned alive. I will not enumerate the names of the people. I only wish to draw the attention of the Tribunal to the fact that three of these people were 63 years old and over and, as well, three year old, four year old and five year old children.

I skip two paragraphs and I quote a short excerpt.

"In the villages of Kulieve and Kilesniki in the District of Goschazk, the fascists burned all the inhabitants in a farmhouse.

I conclude the reading of this document.

I now ask the Tribunal to accept in evidence a German document, submitted in evidence as USSR Exhibit 119. It is certified photostat of an operation report and other documents of the 15th Police Regiment. Among them we find one which is entitled "Summary of the Retaliatory Expedition to the Village of Borysowka, 22nd and 26th of September, 1942." The Tribunal will find this document on page 309 of the document book.

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I quote from this document, which proves beyond doubt that under the guise of the struggle against guerrillas the Hitlerite criminals annihilated the population of the Soviet villages.

I quote, following the heading:

"1. Mission: The 9th Company must destroy the village of Borysowka, which is overrun with partisans.

"2. Forces: Two platoons of the 9th Company, the 15th Police Regiment, one platoon of gendarmes and one tank platoon."

I stress that there was a tank platoon amongst these forces. Against whom were these tanks supposed to operate? We find an answer to this question in the following item of this report:

"Court of action: The company assembled in the evening on the 22 of September, 1942 in Dwyin. During the night from the 22 to the 23 of September, 1942, the march from Dwyin in the direction of Borysowka took place The village was cut off by two platoons at 4 a.m. At daybreak the entire population of the village was brought together by the village Buergermeister. After investigation, out of the

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population with the aid of the security police of Dwyin, five families were resettled in Dwyin. The remainder were shot by an especially detailed squad and buried five hundred meters to the northeast of Borysowka. Altogether, 169 persons were shot, among them 49 men, 97 women and 23 children."

I consider that these quotations are so eloquent that I can conclude the reading of this document and I can now pass on to the next part of my statement.

I beg the Tribunal to look at page 119 of the document book, which contains the report of the Extraordinary State Commission on the Destruction of the German Fascist Invaders in the Stalinsk Region.

Hitherto I have pointed out that the German Fascist invaders carried out the criminal extermination of the Soviet population by burning alive and in this report we find a confirmation of the fact that people were burned alive both in villages and in the towns. This document has been submitted to the Tribunal as USSR Exhibit No. 2. I quote from page 116 of the document book and I quote:

"In the City of Stalino the German intruders drove all the inhabitants of one house into a shed, closed the entrance, blocked it, poured oil on the shed and put it on fire. All those in the shed, with the exception of two little girls, who by sheer chance remained alive, lost their lives."

I skip the next part of the report of this Commission.

The members of this Commission made excavations where the burned barn was located and while investigating, the Commission discovered thirty-one human corpses.

From the very first days of the war against the USSR the German fascist terror with regard to the civilian population assumed monstrous proportions. This was noted in the reports by several German officers, who participated in the First World War and who stressed the fact that even in the First World War they had never witnessed anything similar.

I again reger to a German document and submit to the Tribunal as USSR Exhibit 293 an authentic photostat of a report of the former Commander of the 528th Regiment, Major Roseler, and a report by Schirwindt, who was Chief of

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9th Military District. This documen is very interesting and I will quote the document in full. The Tribunal will find the extract on page 319 of the document book.

"Kassel, 3 January, 1942.

"Major Roesler.

"Report.

"The matter brought to my attention by the 528th Infantry Regiment concerning the attitude toward the civilian population in the East prompts me to report the following:

"At the end of July, 1941, the 528th Infantry Regiment under my command was on the way from the west to Zitomir, where it was to be billeted for a rest. After I had moved with my staff into the Staff Quarters, on the afternoon of the day of our arrival, we heard rifle volleys at a short distance from us at regular intervals. I decided to find out what was happening and started to go with my adjutant and the courier (1st Lieutenant von Bassevitz and Lieutenant Mueller-Brodmann) in the direction of the rifle shots.

"We soon had the impression that a cruel spectacle must be going on because after some time we saw numerous soldiers streaming toward the railroad embankment. At first we could not for a long time reach the other side of the embankment. However, we heard, after a certain definite interval, the sound of a whistle followed by a volley of about ten rifles, which in turn, was followed after some time by pistol shots.

"When we finally climbed over the embankment a picture of horror was revealed to us. A trench about seven to eight meters long and perhaps four meters wide had been dug into the ground. The dug up earth was piled up on one side of the ditch. The pile and the adjoining wall of the tranch was completely soiled with streams of blood. The pit itself was filled with numerous corpses of all ages and sexes. There were so many corpses that one could not even define the depth of the trench.

"Behind the pile of earth stood a squad of police men under the command of an officer. The uniforms of the police were blood spattered. Many soldiers belonging to the troops which had just been billeted in the area stood nearby.

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Some of them were in bathing trunks, standing around as spectators. There were also a number of civilians, women and children.

"This sight was so terrible that I cannot forget it even now. I remember particularly clearly the following one. In this grave, lay, among others, an old man with a white beard, who had a little walking stick in his left hand. As this man, as could be judged from his sporadic breathing, still showed signs of life, I requested one of the policemen to kill him off, whereupon he laughingly replied: 'I have already shot seven times at his stomach. Now it is up to him to die.'

"Those who were lying in the grave were not in rows but were piled in disorder as they fell from the top of the trench into the trench. All these people were killed by shots in the nape of the neck from rifle shots and then were given the coup-de-grace in the trench.

"I have never seen anything similar, neither in the First World War, in the Russian nor in the French campaigns of this war. I have witnessed very disagreeable scenes being in the volunteer detachments in 1919 but I have never been a witness to a similar scene."

I skip one paragraph and continue:

"I wish to add that according to the testimony of soldiers who have often watched these executions, apparently by these methods several hundred persons were shot every day.

"(Signed) Roesler."

And now, quoting the second document:

"Kassel, 17 January, 1942.

"From Deputy Commander of the IX Army Corps and Commanding Officer of the 9th Military District.

"To the Chief of the Army Armament and Equipment

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Department Berlin.

"The atrocities with regard to the civilian populationin the East.

"With regard to the news of the mass executions in Russia, which we are receiving, I was at first convinced that they were exaggerated. However, I am forwarding herewith report of Major Roesler which fully confirms these rumors."

The last sentence is particularly characteristic.

"If these things will be done openly they will become known at home and will cause criticism.

"(Signed) Schirwindt."

THE PRESIDENT: Colonel Smirnov, do you know who was the Deputy Commander of the IX Army Corp and Commander of the 9th Military District and do you know who was the Chief of the Armament and Equipment Department in Berlin? Do you know whether any reply was made to this report?

COLONEL SMIRNOV: Mr. President, I can only give an answer to these questions a short time later. I will do so and I will submit to the Tribunal an answer to these questions.

I beg to be allowed, in the presenting of these issues, to submit to the Tribunal a photostatic copy of a document. I present two albums which have been certified to by the Extraordinary State Commission, and will be submitted to each member of the Tribunal.

I beg the permission of the Tribunal to demonstrate on the screen certain photographic documents. I must admit these documents have been selected not according to the principle of atrocities which they show, as the Tribunal will find even more atrocious episodes in the document book, but rather, all these photographs have been selected because of their typical character.

Before presenting this photographic documentation, I ask the permission of the Tribunal to submit another German document as USSR Exhibit 297. It is a certified photostatic copy of one of the reports of the Chief of the Security Police, prohibiting the photographing of mass executions. It is very typical that in many of these cases the photographs were taken by the Germans themselves. This attracted the attention of the Police Chief and there followed a prohibition against photographing.

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I quote only a short except from this report: (page 321 of the document book)

"The Reichsfuehrer SS has forbidden the photographing of executions by an order of 12 November, 1941, Journal Number 1 1461/41 Ads., and has ordered that insofar as such pictures are needed for official purposes that the entire exposed material be collected in archives."

I skip the following paragraph and quote the following paragraph:

"The leader of the task force or special commandos and/or the company commander of the Waffen SS and the section leader of the war correspondent section, are held responsible for the fact that plates, film and prints of these photographs do not remain in the hands of individual members of these task force units."

I skip the following part of the document as I consider that the quotations that have been presented are sufficient to prove that the police authorities were preoccupied by the fact that private photographs of mass executions give confirmation of these executions.

I beg the Tribunal to allow me to start with the showing of these photographs. Would you permit me to do so?

THE PRESIDENT: What are you waiting for Colonel Smirnov?

COLONEL SMIRNOV: Mr. President, I thought that the light would be put out directly but apparently there is a technical hitch but I do not know what this hitch consists of and that is why I cannot continue.

THE PRESIDENT: Do you think you can go on with your statement and do the photographs after the adjournment? How long do you think the photographs will take?

COLONEL SMIRNOV: I agree with you fully, Mr. President. I beg to be allowed to present evidence concerning the second part of the statement which concerns the mass annihilation by the German fascists of the citizens of the USSR, Poland, Yugoslavia and Czechoslovakia, and Greece. The mass extermination of peaceful populations of the Soviet Union and of the countries of Eastern Europe was carried out by the German fascist criminals everywhere, as we can see from both the official orders and the directives, with the following objectives in mind:

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1. To do away physically with those groups of the population which were considered capable of resistance.

2. For racial reasons, i.e. to do away with those groups which the Germans disliked racially.

3. For purposes of retaliation.

4. Supposedly to put down, to crush the guerilla movement which the Germans could not crush or stop and for which they vent their wrath upon the peaceful population.

The execution of children was an especially cruel method of German atrocity. By executing children, the killing of children was one of the worse and more despicable characteristics of the Hitlerite regime during the occupation

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of temporarily seized territories. Soon after the advent of power of the Fascists, Hermann Goering began to issue laws against vivisection. He was particularly concerned with dogs, guinea pigs, which were subjected to scientific experiments for the good of mankind. To confirm this, I refer to Goering's book called "Speeches and Articles," published in 1940, by the Erich Grisbach Publishing House in Munich.

On page 80 of this book we find a speech of Goering against vivisection. We will find this on page 298 of the document book. I will quote a lengthy extract from this book and will only mention one sentence which testifies that for motives of love of animals Hermann Goering widely utilized his right to intern people in concentration camps. I quote this sentence.

"In order to stop the suffering of animals, I issue this decree as a competence of my right to intern in concentration camps those persons who continue to believe that one can treat animals as live merchandize."

Himmler at an SS meeting at Posen said this--I quote this to the Tribunal. This is document 1919-PS. "We Germans are the only people who treat animals well."

But these criminals who sentimentally discussed the fate of animals, ordered the senseless and cruel extermination of children. At the meeting just mentioned Himmler also stated this; you will find this statement on page 201.

"If some woman would come to me and say, 'You can't build anti-tank ditches with children and women; it is inhuman; they will die,' I will reply, 'You are the murder of your own blood if you can consider such things.'"

I allow myself to refer to a very short excerpt from an official document which has already been submitted in order to testify that whilst exterminating Soviet people, the German Fascists hurled children into ditches alive

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I beg the Tribunal to pay attention to a document which has already been submitted by my colleague, Colonel Pokrovsky, as USSR Exhibit 46. It is a report of the Extraordinary State Commission on the Crimes of the German Fascist invaders in the city and district of Orel. The Tribunal will find this place on page 334 of the document book; the last three lines of the page, and the next page.

"Those who were shot in the city were carried away and usually thrown into ditches, preferably in wooded areas.

"In jail the executions took place in the following manner. The men had to stand in line facing a wall, and the gendarmes (policemen) fired the pistols in the nape of the neck. These shots injured vital spots and caused immediate death as a rule. In those cases, women were laid face downward on the ground and the gendarmes shot at the nape of their necks. Another method was to drag groups of people into a ditch who were shot at from automatic weapons, also in the nape of the neck. In the trenches, corpses of children were discovered, who were buried alive, according to the testimony of witnesses."

I refer further to a document which has been submitted to the Tribunal as USSR Exhibit 1, a report of the Extraordinary State Commission on the Crimes of the German Fascist Occupants in the Region of Stavropol. I quote an extract on page 271 of the document book, third paragraph.

"During the inspection of another ditch situated in the vicinity of the Kolsberg Hill and at a distance of 250 meters from the road," I skip the next phrase, "a walled out ridge of soil 10 meters deep from which protruded different parts of human corpses. At this period, on the 19 July 1943, there carried out excavations, as a result of which 100 corpses were exhumed. The judicial medical examination ascertained that the corpse of a four months old girl showed no traces of violent death. The child was thrown into the ditch alive and perished from suffocation."

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I skip the next phrase and quote from the next paragraph.

"Investigating infant cor ses, the judicial medical investigation ascertained that they were all thrown into the ditch alive together with their shot mothers. On . . other corpses were discovered traces of torture."

I will now refer to the verdict of the Military Tribunal of the 4th Ukraine Front, which was already submitted to the Tribunal as USSR Exhibit 32.

THE PRESIDENT: Perhaps we had better break off now.

(A recess was taken at 12.45 hours.)

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Official Transcript of the International Military Tribunal in the Matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 18 February 1946, 1400-1600, Lord Justice Lawrence presiding.

COLONEL SMIRNOV: Continuing the presentation of evidence on atrocities of German Fascist criminals with regard to children, I refer to the testimony of the witness Bespalov which is in the document already presented to the Tribunal as USSR Exhibit 32. The members of the Tribunal will find the place which I refer to on page 33, third paragraph in the document, column one in the document book. Bespalov testified:

"In the end of June last year I saw myself how up to 300 girls and women were brought on 10-to 12-ton trucks into the parkland. The unfortunates were tossing from side to side, crying, pulling their hair and stripping their clothes. Many fell unconscious, but the German Fascists paid no attention to this. By kicking and beating with rifle butts and sticks they forced them to get up, but those who did not get up, the executioners themselves stripped them and threw into the pits. Several girls -- among them children -- tried to run away, but they were killed.

"I saw how after a burst of fire from a machine-gun some of the women, staggering and helplessly flinging their arms, with heart-rending shrieks were marching toward the Germans. At this time the Germans were shooting them with pistols. Maddened with terror and grief, mothers clutched their children to their breasts, running with terrible shrieks back and forth in the forest clearing, looking for escape.

"The Gestapo members were snatching children from them, took them by the legs and arms and threw them alive into the pit and when the mothers ran after them to the pit they shot them. I quote one paragraph out of Exhibit USSR-9, already presented to the Tribunal. This is a report of the Extraordinary State Commission of the Crimes of the German Fascist Invaders in the City of Kiel. The members of this Tribunal will find this document on page 238, second column of the text, sixth paragraph.

"Hitler's bandits on the 22nd of September, 1941, drove thousands of the

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peaceful Soviet citizens to the corner of Melnik and Doktorovskaya Streets and from there to Babi Yar, where they shot them, after they had taken all their valuables from them.

"Citizens M.F. Petrenk and N.T. Gorbacheva, who lived near Babi Yar, stated that they had seen how the Germans threw babies into graves and buried them alive with their dead or wounded parents. 'One could see the surface of the ground.' This marked the last struggles of the alive who were buried."

These were not individual occurrences, but a systematic plan, this inhuman terror practiced on children. The chiefs of German Fascism understood that this form of terror would be particularly awful for those who remained alive. Compassion for the weak and the defenseless is a human trait. Applying their particularly barbaric methods to the children, the German Fascist criminals were showing the rest of the population that there is no crime, where is no cruelty at which they will stop for the purpose of "paci fying" the occupied territories.

Children did not simply share the fate of their parents. Frequently the acts of terror were directed against the children themselves. Children were forcibly taken from their parents, concentrated in one place and then murdered.

I refer to the report of the Extraordinary Commission, already submitted to the Tribunal, entitled, "Concerning the Crimes of the German Invaders of the Territory of the Latvian Soviet Socialist Republic." The Tribunal will find the place I refer to on page 286, on the reverse side, in the second column, paragraph 5, in the document book.

"In the central jail in Riga they murdered more than 2,000 children, whom they had torn from their parents, and in the Salaspislky camp they killed more than 3,000 children."

With regard to the methods used by the Germans to separate children from parents, especially those parents who were imprisoned in a concentration camp or in the ghetto, the Tribunal will learn about this from the report of the Extraordinary Commission on the Crimes of the Hitlerite Invaders in the Lithuanian Soviet Socialist Republic. This document has already been submitted as USSR Exhibit 7 to the Tribunal. The members of the Tribunal will find the place referred to on page 295, first column, sixth paragraph. I omit the first

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paragraph where it is mentioned about the organization of the camp. This has no direct relation to the matter of children, and I begin with the second paragraph, which shows what was done to children.

"In the beginning of 1944 the Germans in this camp forcibly took children aged from 6 to 12 and took them away. An inhabitant of the village of Kaunas, Vladislav Blum, testified: 'Heart-rending scenes took place in front of my eyes. The Germans took away the children from their mothers and sent them to -- nobody knows where. Many children perished when they were shot together with their mothers."

In the camp on the walls of the buildings there were several inscriptions about the crimes of the Hitlerite beasts. Here are some of them:

"Vengeance -- Let the whole world know and let it understand how beastly our children were exterminated -- Our days are reckoned -- Farewell -- Let the whole world know and let it not fail to avenge us for our innocent children -- Then let the whole world remember and understand all those atrocities which took place in the 20th Century that befell our innocent children. -- I haven't much time now and I am indifferent to everything now."

I refer further to the document which has already been presented to the Tribunal under No. USSR-63. This is an official report on the torture and shooting of children in the Domachev Children's Asylum of the Brest Region in Byelo Russia. The members of the Tribunal will find it on page 223, reverse side, fifth paragraph, first column. I shall quote three or four paragraphs out of this document.

"By order of German occupation authorities of the District, the Chief of the Region of Prokopstschuk ordered the principal of the children's home, A.P. Pavljuk, to poison a sick child, Lena Renklach, 12 years old. After Pavljuk refused to carry out the order, the child was shot by policemen in the vicinity of the children's home, allegedly 'while trying to escape.' In order to save the children from starvation and death, one had distributed eleven of them among the local population in the year 1942 and 16 children were sheltered with their relatives."

And this was the further fate of these children.

I continue with my quotation:

"On the 23rd of September, 1942, at 7 o'clock in the evening, a five-ton

truck appeared in the yard of the children's home, with six armed Germans in military uniform. The group leader, named Max, declared that the children would be taken to Brest, and ordered that the children be brought to the truck. Fifty-five children and their teacher, Grocholskaja were transported away in the truck. One girl, 9 years old, Tossja Schechtmetov, succeeded in climbing out of the truck and running away. The remaining 54 and the teacher were driven away in the truck in the direction of the station Dubitz, which was located one and one-half meters from the village of Lepleyca.

"The car stopped at a frontier emplacement 800 meters away from the River Western Bug, the children were unloaded from the truck and undressed -- which was shown by the fact that the children's clothes was found in the returning car -- and shot."

I omit the remaining part of this official report. Children were torn in two while they were still alive and thrown into the fire. In confirmation of this, I refer to the testimony of the witness Hamaidas, a native of the village of Lisinchi in the Lvov Region, who was confined by the Germans in the Yanov Camp in Lvov.

Hamaidas' job in the camp consisted of burning the corpses of those who had been shot. At the same time he could not help but be a witness to the mass shooting of the civilian population, including men, women and children.

The testimony of Hamaidas, together with the other documents referring to the Lvov camps, has already been submitted to the Tribunal as Exhibit USSR-68. Citing two lines from the testimony of Hamaidas, from page 55 of the document book, eleventh line from the bottom of the page:

"I was a witness to such facts. The executioner would seize children by the feet, tear them apart and throw them into the fire."

The point of this was that while shooting the parents, the German murderers did not consider it necessary to waste ammunition on the children. When they did not throw the children alive into the grave, then they often murdered them simply by hitting them with something heavy or striking their heads against the ground.

I refer in confirmation of this fact to the document already presented to the Tribunal under USSR Exhibit No. 6-5, the Report of the Extraordinary State Commission on the Crimes Committed by the German Fascist Invaders in the Cities

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of Lvov and Ravarusskaya, and the report of the medical commission which exhumed the bodies around the Yanov camp.

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From the conclusions of this report I quote two lines:

"The executioners did not consider it necessary to waste ammunition on the children. They simply killed them by hitting them on the head with any available object, sometimes the butt of a gun".

The place above referred to will be found on page 330, the second paragraph from the top, in the second column, the reverse side of the page.

Children were often cut into parts with rusty saws and subjected to other tortures.

I ask the permission of the Court to read into the record only one paragraph from a Note of the People's Commissar for Foreign Affairs of the USSR, dated April 27, 1942. The members of the Tribunal will find the place to which I refer on page 8, reverse side, second column, third paragraph.

"The invaders subjected children and adolescents to the most brutal tortures. Among the 160 children who were wounded and mutilated by torture, victims of the Hitler terror in the districts of the now liberated Moscow Region who were under going treatment in the Russakov Hospital in Moscow -- there was, for instance the case of a 14-year old boy, Vanya Gromov, from the village of Novinki, whose right hand the Hitlerites amputated with a rusty saw after strapping him to a chair. The Germans chopped off both hands of 12-year old Vanya Kryukov, of the village of Kryukovo, in the Kursk Region, and drove him str aming with blood in the direction where Soviet troops were stationed."

I omit the rest of the quotation -- two pages -- since similar facts are related in the document which confirm what has already been mentioned.

Children were the first victims of carbon monoxide poisoning, in the German murder vans. In confirmation of this, I refer to the material already submitted as USSR Exhibit No. 1, which is the Report of the Extraordinary State Commission on the Crimes of the German Fascist Occupants in the Stavropol Region. The members of the Tribunal will find the small excerpt on page 269 in the document book, fourth paragraph.

"It has been established that in December, 1942, by command of the Gestapo Chief for the City of Mikojan-Schachar, Lt. (Oberleutnant) Otto Weber, there

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took place an extraordinarily cruel massacre of Soviet children who were undergoing treatment for tuberculosis of the bone in the sanatorium of the Teberda health resort. Eye-witnesses to this crime, Nurse S.E. Ivanova and Sanitary Orderly M.I. Palpupanova, employed at the children's sanitorium, testified as follows:

"'On December 22, 1942, a German motor vehicle drove up to the entrance of Ward I of the sanatorium. Seven German soldiers, who had come with the vehicle, dragged from the sanatorium 84 seriously ill children, ranging in age from 3 years up, and placed them inside the vehicle, in several layers. Then they closed the door, let the carbon monoxide stream in, and drove away from the sanatorium. An hour later the vehicle returned to the Teberda settlement. All the children had died. The Germans then threw their bodies into the Teberda ravine near Gunatschgir.'"

Children were also drowned in the open sea. In confirmation of this, I refer to the already submitted documents, USSR Exhibit 63, on the report of the German atrocities in Sevastopol. The members of the Tribunal will find the place I am referring to on Page 226, reverse side, seventh paragraph, second column of the text. I quote:

"Besides the mass shootings, the Hitlerites carried the criminal drowning of peaceful citizens to the high sea.

"The Prisoner Cpl. Friedrich Heile of the troop battalion 2-19 MKA Naval Transport Company testified as follows:

"When I was in the port of Sevastopol, I saw how large groups of peaceful citizens, among them women and children, were brought to the harbor. All the Russians were loaded on a tow barge. Several people resisted. However, they were beaten and driven on board forcibly. All together, around 3,000 people were loaded on. The cargo barges put out to sea. The weeping and the crying was heard for a long time in the harbor. Several hours passed and the barges returned to the harbor empty. I found out from the ship's crews that all the people were thrown into the sea."

I conclude the quotation.

The fire of heavy artillery was openly directed by the German Fascist

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criminals against schools, children's asylums, hospitals, and other children's institutions in Leningrad.

I present to the Tribunal the summary report of the Leningrad City Commission for investigation of the German crimes. This report is being submitted to the Honorable Tribunal as USSR Exhibit Number 85. I shall not quote long passages out of this report. I shall merely draw the Tribunal's attention to the fact that on page 347, Volume 2, paragraph 4, in the document book, the Judges may see for themselves the list of artillery targets on the part of German artillery which is testified by the logs of fighting units. The following are some of those targets:

"Number 736, a school in the Baburinsk Street.

Number 708, a mothers-nurses institute."

I also shall take the liberty of quoting just a short excerpt from the testimony of the director of School Number 218, which the members of the Tribunal will find on page 348, volume 2, first paragraph.

The principle of School Number 218, located in Rubenstein Street, Number 13, testified:

"On the 18th of May 1942, School Number 218 suffered from artillery fire. The 12-year old boy, Lenja Isarow, was killed. A little girl, Dora Binamowa, moaned with pain: 'Mommy, how can I exist now without legs?' she said. Leva Gendelev is bleeding to death. He was helped, but he doesn't need this help any longer. He died in the arms of his mother, who cried 'Damn Hitler.'

Seriously wounded Kutarev pleaded not to grieve his father because of his heart ailment. The teacher and all the pupils were victims."

I conclude my quotation dedicated to Leningrad. I omit two pages of the text, and I shall draw the Tribunal's attention to page 355, volume 2, second column, paragraph 6. The members of the Tribunal will find there an already presented document. I submit this as USSR Exhibit Number 8.

This is a report of the Extraordinary State Commission about the monstrous crimes of the German Government in Auschwitz. I shall quote several short passages out of the second entitled "The murderers of children; "but at the same time I ask the honorable members of the Tribunal to pay attention to page 47, page 48 of the album, and page 49, because the photo pictures which are on

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these pages are good evidence of how emaciated and exhausted those children were. I omit the first paragraph, and I begin:

"It has been established by the Commission that children, ages from 8 to 16 years of age, the Germans demanded that such children would perform as hard physical work as adults. Unbearable labor, beatings, torture, brought them soon to a condition of complete emaciation and exhaustion. Then the children were murdered.

"Ex-prisoner Jacob Gordon, a doctor from Vilnius, testified:

"In the beginning of the year 1943 at camp Birkenau, 164 boys were selected They were brought to the hospital and there they were killed by the injection of carbolic

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acid into the heart."

Ex-prisoner Bakasch Waldraut of Dusseldorf, Germany, testified:

"In the year 1943, when we worked on the construction of a hedge around the crematorium Number 5, I myself saw how SS men threw several living children into the fire, and here is what some of the children themselves, who were saved by the Red Army, testify about the tortures to which they were subjected."

I omit the next paragraph, and I ask the Tribunal while I read to refer to page 50 of the photographs of Auschwitz.

The members of the Tribunal can see what bodily mutilations were experienced by these children because they were exposed to cold. I continue:

"A 9-year old boy, Andrasz Lerintsiakosz, a native of the city of Klez, Hungary, testified:

"'After we had been driven to Block 22 in the camp we were beaten, and mainly by the German women who were put over us as guards. They beat us with sticks. During my stay in the camp Dr. Mengele drew blood from me frequently. In November 1944, 194 children were transferred to the camp known as the Gypsy Camp. During checking it was found that one child was missing. After that the leader of the women's camp, Brandem, and her assistant, Mendel, drove us at 1:00 o'clock in the morning out in the open and left us standing there in the cold until noon.'"

I omit the next three paragraphs of the quotation, and I pick up at the last paragraph of this section:

"Among those children of Auschwitz who were examined by physicians, there were 180 children, 52 of them under eight years of age and 128 between the ages of 8 to 15 years. All came to the camp in the second half of 1944. That is, they spent between three to six months in the camp. All 180 children were immediately examined, and this examination established that 72 had tuberculosis of the lungs or glands, 49 suffered from consequences of malnutrition, more serious condition of exhaustion, and 31 children had frostbites."

H0063-0044

I submit to the Tribunal and ask that the Tribunal accept as evidence Document Number USSR 92. It is a directive of the Administration of Agriculture, which is entitled "Treatment of Pregnant Women of Non-German Origin."

I refer this to the Tribunal, because in their hatred of the Slavic people the German Fascists attempted to murder children even in their mother's womb.

The members of the Tribunal will find the document on page 368 in the document book. I shall read two small paragraphs out of this:

"During the recent period there is considerable increase of birth rate among women of non-German origin. Because of this, several difficulties arise, not only as to using those people for labor but to a greater extent there is a menace of a social political character which cannot be under-evaluated."

I omit one paragraph and quote further:

"The simplest method to deal with such difficulties would be to inform our pregnant women of non-German nationality to inform those institutions which use those people for labor."

I draw your special attention to the last paragraph:

"Those institutions or officers must attempt to make women get rid of their children by operations."

I conclude my quotation.

The analysis of materials connected with the Hitlerite terror in the countries of Eastern Europe testifies to the fact that crimes perpetrated by Hitlerites in regard to the women will always be the most disgraceful page in the history of German Fascism.

I ask your permission, Mr. President, to present now those photo documents which I could not present before lunch. I hope this presentation will be more successful than before.

I emphasize that these documents were selected by me, not on the principle of terrors. They are typical matters, and are stated in this document.

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(Referring to slide) This is the shooting of one person. The photograph was found in the region of Moscow during the German attack on Moscow. It was found on a dead German.

(New slide) This is the shooting of four people. Those were four young people. They stand at the edge of a pit which was dug by themselves. The members of the Tribunal will see that the German Fascist criminals are laughing at the scene of shooting.

(New slide) Now will be shown the moment of the shooting itself. This is the very moment of shooting. The murder is being done by typical German methods, a shot in the back of the neck. The members of the Tribunal can convince themselves that the people who are shot here cried.

(New slide) Now, the pictures which I am demonstrating to the Tribunal are pictures which used to belong to a member of the Gestapo.

This is one of the mass actions. Here the murderers ordered people to undress. Here you see a girl who is undressed, and her brother, Jacob, is being undressed, as it was proven by investigation.

I emphasize that the pictures were taken in December. In December it is very cold in that region.

(New slide) Here the naked women are condemned to shooting. They made them pose before the cameras. You see, besides women standing there you can see also a small girl who is trying to hide herself behind her mother. You see her on the left side.

(New slide) This picture is of the same period. In December these undressed women were being led to the scene of shooting.

(New slide) Here is another group of men being led to shooting. There is also a small child following who is also being led to being shot. He is walking right close to his mother.

(New slide) Also another picture of a group of people being led to be shot.

(New slide) The moment of shooting. The actual moment of execution. This is in Leipzig. Consequently it isn't very clear, but you see a whole group of people, and if you study the right part of the picture you will see automatic rifles. Note the position of the bodies. You will see very clearly that this picture was taken during the first period of occupation,

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because the bodies were thrown helter-skelter into the pit. Later on they made victims lie down in series or in ranks.

(New slide) This is the same group. Here you see them being shot and also adolescents or children who also were subject to shooting.

(New slide) I have already reported on the Yanov Camp. The shooting usually was to the accompaniment of a death band, which used to play the Death Tango. A professor, who was also prisoner there, was in charge of this orchestra orband. This is the death band right here. Here to the right in white uniform you will see the chief of the camp, whom I reported to you in the first part of my presentation to the Tribunal.

(New slide) I ask you to pay particular attention to two things there. This is the Obergruppenfuehrer Gebaulen, who was the chief of the camp. The dog Rex follows him. The dog is very well known to us. The dog used to tear apart live people. The same orchestra is right next to it.

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It is quite evident that the Obergruppenfuehrer is going to the scene of mass execution.

(New slide) The establishment of Fascist terror in the occupied territories of the Soviet Union, first of all, was testified by gallows, and here is one set of gallows. This picture was taken from the Gestapo archives. You see the gallows here There is some woman who is pretty close to the Gestapo laughing at the gallows.

(New slide) This is the second gallows, and the same bizarre market square. It is also taken from the archives of the Gestapo.

(New slide) Here are the materials which I have already presented to the Tribunal. The Tribunal will remember that in some places for the whole length of the street there were bodies of the murdered suspended from the windows and gallows. Here is one of the streets in Lvov. I refer once again to the order of the Foreign Commissar Molotov where it says the same conditions existed in Kiev.

(New slide) This is the same street in Lvov, also a picture from the archives.

(New slide) But gallows were not the only means of execution. The guillotine was widely used, andhere are the chopped off heads of those who were victims in the Danzig prison. This picture was taken in the institute in Danzig where the bodies were taken.

(New slide) I shall not present a great number of pictures which relate to torture. I just take a few typical ones. This picture was taken during the period of battles in this front. Here a woman is being beaten. In the next picture you will see what the Gestapo men did to her afterwards. Give us the next picture, please.

(New slide) Here we cannot understand exactly what they are doing, whether she is being suspended by her hair or whether she is just simply being hanged or suspended by her arms. The gesture of convulsion indicates that the loop is going around her neck. I ask you to pay attention to the face of the scoundrel who is hanging her.

(New slide) Here is one of the pictures which was taken from a dead Gestapo man. Ukrainian women are being made to run naked before the scoundre

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(New slide) This is a picture which I show here so that it facilitates the understanding of the next section. This is a grist mill for human bones. Here is the prisoner who was working this machine, and the bones of about 200 people went through this grist mill. As it was investigated by the Commission, about 200 cubic meters were produced by this machine.

That is all.

Will you permit me to go to a further presentation.

In the first part of my presentation I dealt with mass terrorism of the Germans, and spoke specifically about extermination of children and about the beastly methods that were used by the Germans in regard to children.

Terror concerning children, most brutal and most beastly terror, is one of the characteristic traits of fascist bestiality.

Now I present to the Tribunal the evidence of mass extermination of people in different parts of eastern Europe. I present to the Tribunal excerpts from the report of the Polish Government, which the members of the Tribunal will find on page 127, second paragraph of the text. It is the so-called massacre in Anin. I quote:

"At the end of December 1939 a Polish policeman was shot in the vicinity of Warsaw by a bandit. Investigation shows that the murderer was in the restaurant in Anin near Warsaw. He went into the restaurant and opened fire, killing one policeman and wounding another. As a reprisal for this the Germans ordered, on the 26th of December, 1939, mass reprisal actions in a punitive expedition which was dispatched to the village. The troops, under the command of an officer, went to Wanor and into the hiding place. Both of those locations were surrounded by a cordon of soldiers. The proprietor of the restaurant where this took place was immediately hanged, and his body was suspended before his house. At the same time the male population was dragged out of every house. In such a way about 170 people were gathered. The Germans ordered them to stand in the railroad station with their faces towards the wall and their hands on their heads. In this way they had to stand for several hours. After documents were checked over, some of themcould go, but the vast majority was informed that they would be executed. After this they were taken to a field, broken

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into groups of 10 to 14 people in each, and they were shot with machine gunfire.

"The number of separate graves which were found in the place of execution was up to 107. Among those executed were two doctors, 30 adolescents below 16 years of age, 12 old men above 60 years of age. One was an American citizen of Polish origin. He was shot together with his son."

I shall omit the next paragraph which deals with the massacre in Piastoszyn and, I quote only an advertisement out of a German paper of the 23rd of October, 1939. This advertisement was also cited in the Polish report. I quote:

"In the Tuchel district, the farm of Volksdeutschen which is close to Pretzin, was burned, in the night of October 21 and October 22, by Polish bandits. The Volksdeutschen Fritz suffered from a heart ailment. Under order of the chief of the civil administration, a punitive expedition was dispatched into this locality in order to give those guilty bandits a lesson which would show that actions of this kind will be severely punished. As a reprisal, ten Poles, who were known by their hostile actions towards Germany, were shot. The order was given to the Polish inhabitants of this location to rebuild the burned buildings and to pay for damage done."

I shall omit half of the next page, and I quote briefly the circumstances of the Jozefow massacre in Poland. The members of the Tribunal will find this on page 128, second paragraph, in the document book:

"In the middle of January 1940 a family of German colonists in the village of Jozefow was robbed and murdered by bandits, as the Germans stated themselves in the newspapers later. A punitive expedition was sent to Jozefow."

I omit the next paragraph and then I continue:

"All men who were caught in Jozefow and vicinity, even 11 year-old boys, were arrested and shot on the spot. Altogether there were 300 people who were murdered."

I skip the next paragraph.

Mass extermination of the peaceful population in Yugoslavia also took an extremely cruel form. I quote the report of the Yugoslav Government, the section that deals with mass murder of the civilian population and the

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destruction of settlements. I present to the Tribunal and ask it to accept as evidence a photostat of the order of Lieutenant General Neidholt which is presented as USSR Exhibit 188. I quote the part which was incorporated into the report of the Yugoslav Government:

"Settlements Zapsezde and Udor must be destroyed. The male population of this hamlet must be hanged. Women and children should be taken to Stolac."

I omit the next page of the text and begin my quotation at the report of the Yugoslav Government which has to do with the fascist bestialities in Kragujevac.

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In confirmation of this report the Yugoslav Government presents to the Tribunal a certified photocopy of the order of the German Kommandatur at Kragujevac, in which the German Kommandatur admitted the shooting of 2,300 people. This document is being presented to the Tribunal and I ask the Tribunal to accept this as evidence as USSR Exhibit 74. I quote one sentence of the report of the Yugoslav Government report in regard to mass extermination in Kragujevac. This was a mass murder which was committed on the 21st of October, 1941, in Kragujevac by a German punitive expedition which was commanded by Major Koenig.

I omit the next two paragraphs and continue:

When the punitive expedition arrived in Kragujevac they began executing their plan of extermination of the citizens of Kragujevac, especially exterminating the intelligenstia. As early as the beginning of October, the region commandant, Doctor Zimmerman, demanded of the director of schools in Kragujevac the regular attendance of the school children; otherwise, they would be considered diversionists. After such a threat, all school children regularly attended school. On the 18th of October, 1941, in accordance with a prepared list, all male Jews were arrested, and also all those who were considered to be communists. They were taken into prison, the barracks of the former Yugoslav auto transport Kommandatur, to a place called Stanovljansko. They were kept without any food until the 20th of October, and all were shot at around 6 o'clock in the evening. There were about 60 men. On the same day, the 20th of October, they began to pull in all of the male population of Kragujevac.

After every escape from the city was blocked, the Germans went into allpublic buildings and drove out of there all of the civil servants. Then out of high school and parochial institutes all professors and pupils from the fifth grade and higher were taken, together with the school directors.

I omit the next two sentences and then I quote:

"Together with others, all of the prisoners were taken into the barracks from the prison of Kragujevac. Then the order was given to them to go into the courtyard near the barracks. There all of their personal belongings were taken away from them. The first people to be shot were those

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who were prisoners in the jail, approximately fifty men. The rest of them were locked in the barracks. The next day, on the 21st of October, beginning at seven o'clock in the morning, they were led by groups into the so-called Stanovljansko Field and there were shot with machine-gun fire. Those who were not killed at once the Germans finished off with automatic rifles and guns."

I conclude my quotation and I omit the next three paragraphs.

"It was forbidden to the relatives of the victims of this mass extermination to visit the place where the execution took place until the burial of the victims was finished and until all traces of the crimes were destroyed. The relatives of the victims were also forbidden to have any church masses or religious services. In the death notices in the newspapers it was forbidden to mention that mass shootings was the reason for death."

I omit the next five paragraphs and I ask the Tribunal to pay particular attention to a short part of the report of the Yugoslav Government dealing with the so-called bloody or death march, notorious march which took place in the camp of Yarak. I quote this particular part that deals with that atrocious crime.

"In the beginning of September, 1941, a large German punitive expedition collected all of the male population from the ages of fourteen to seventy years and drove the men across the Save River into the settlement Yarak in Srom. This wasthe so-called 'bloody march'. Around 5,000 men had to cover thedistance of twenty-three kilometers in double time both ways. Those who could not stand it and who would fall behind were ruthlessly shot on the spot. Because there were many old and weak people, the number of victims was great, especially in the crossing of the bridge of the Sava River."

I conclude this and I continue the next paragraph:

"On the way back they met another group which was composed of 800 peasants who had to cover the same distance. The treatment of the latter group was even more cruel. They had to walk with their arms raised and run. On the route they weresystematically murdered. Only 300 men of the group reached Yarak alive."

I interrupt the quotation here. I omit this page and the next page and,

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conclusion of my presentation of mass murders of civilian population in Yugoslavia, I ask the Tribunal to admit as evidence the public announcement of the chief of German armed forces in Serbia. This document is being presented to the Tribunal as USSR-200. Without any comments whatever, I simply quote this document, quoting the same quotation which is incorporated in the report of the Yugoslav Government. I begin it:

"The Chief of the Armed Forces in Serbia makes it known:

"In the Village of Skela, a communist detachment shot at a German military truck.

"It was established that several people in the village observed it and saw the preparation for this attack.

"It has been established that these inhabitants had an opportunity to start an alarm at the nearest place wherethere were Serbian Gendardarmes.

"It has been established that the inhabitants of the village could also secretly inform German military trucks and cars about the attempt prepared against them. The inhabitants did not use this opportunity, and, therefore, found themselves on the side of the criminals.

"The Village of Skela was burned down completely. In several houses, during the burning of the village, there were explosions of ammunition. This serves asproof of participation of the inhabitants of the village in the crime.

"All male inhabitants of the village or whom it was established that they were accomplices were shot."

I omit five pages of my presentation, and I draw the Tribunal's attention to the short quotations of the Greek Government's report, which are found on page 39 and 40 of the Russian text of this report and which serves as evidence of the fact that the same inhumane and cruel methods of shooting and mass extermination were being used by the Hitler criminals in the territory temporarily occupied by Greece. I begin my quotation:

"As soon as the Island Crete was occupied, the German Supreme Command proclaimed thatin the vicinity where there were attacks on German soldiers, all the settlements will be burned to the ground and the inhabitants will be held responsible for it. In compliance with this announcement the first

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reprisals were taken. Several people, in majority absolutely innocent, were shot, and the villages of Skini, Prassi and Kandanos" -- perhaps my accent may be different. I really do not know the pronounciation in Greek. -- "All those villages were burned down as a reprisal for an attack during the invasion of Crete, and in the place where those villages formerly were, there were posts with inscriptions in Greek and in German: 'Destroyed as a reprisal for brutal killing of the detachment of paratroopers and half a platoon of the engineers by armed men and women.'

"Measures of reprisal, which at first were temporary in character, later on became more andmore strict, especially after the resistance which was made by organized detachments throughout the country.

"In the beginning of 1943, the technique of reprisals was the same. The next day, after the act of sabotage or some other action which was committed by the Guerrilla Detachments near the village, the German troops appeared near this village. The inhabitants used to be concentrated in the central square in the village or some other opportune place allegedly for the reason to hear a public announcement. Really they were shot on the spot with machine-gun fire. After this the Germans either

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burned or sometimes subjected it to artillery fire, first plundering. They used to kill them openly in the streets, in houses, in the fields, regardless of their age or sex. There were cases when only the male population was subjected to mass shooting and went from sicteen years on up. In other cases, when men were successful in hiding in mountains, the Germans would execute old men, women and children who remained in villages in hopes that their age and their sex will serve as a defense for them.

"The villages Arachoea, Kalavryta, Distomon, Klisoura, Kommeno, Messovouni, may serve as an example.

"Some villages were destroyed merely for the reason that they were located in the region where Guerrilla Detachments were active."

I omit the next paragraph which really has a bearing on another subject, and then I continue my quotation:

"The number of murdered people reaches the figure of 30,000 people."

Now I am going over to the presentation of evidence for mass extermination of the peaceful population in the territory USSR.

As to the circumstances of the mass executions, we may judge now only from the testimony of eye witnesses the performances of the crime itself. In part we can also judge of them on the basis of the material gathered by the legal-medical commission. I say "in part," because at the beginning of 1943, afraid of the retribution for the crimes committed, the Hitlerites began to destroy traces of their crimes. The excavated, exhumed, and burned the corpses. They ground the bones and strew the ashes on the field, and also used the slime (slag) from the crmation of corpses, and the bone flour for field fertilization, for road repair, and used it as fertilizer.

Notwithstanding the efforts of the criminals to conceal the traces of their crimes, it was impossible to destroy all the corpses of the murdered people. Going into the first mass shooting in the USSR was when thousands of people by proclamation were murdered in the town of Kiev. In order to have an idea of these killings, of these mass crimes, I ask the members of the Tribunal to refer to the order of the Extraordinary Commission document, which has already bean presented to the Tribunal as USSR No.9. I quote from page 238, the last part of the third paragraph at the top. I begin:

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"There were murders, tortures, and poison in the murder vans. In Kiev, over 195,000 Soviet citizens, including in Babii Yar, over 100,000 men, women and, children, and all people. In Darnitza, over 68,000 Soviet prisoners of war and peaceful citizens. In the anti-tank ditch in the vicinity of Scretzk Camp and the camp itself, over 25,000 peaceful Soviet citizens and prisoners of war. Within the grounds of the Kirillov Hospital, 800 inmates of the lunatic asylum. Within the grounds of the Kiev-Pechersk Monastery, about 500 peaceful Soviet citizens."

I continue the quotation of this document on page 238, second column, and I use two short excerpts from this page. I begin:

"In 1943, sensing the uncertainty of their position in Kiev, the occupants, attempting to conceal the traces of their crimes, excavated the tombs of their victims, and began to burn the corpses. For the work on burning of the corpses in Babii-Yar, the Germans recruited the inmates of the Syrezk Camp. SS Officer Topade was placed in charge of this work together with members of the Gendarmeri Johann Werker, and Focht, and the commander of the SS platoon, Rever. The witnesses, L.K. Ostrovski, S.B. Bryand, V.M. Davydov, P.YaSteuk, W.M. Brodski, who were fortunate to escape from the shootings in Babi-Yar on 29 September 1943, testified:

'As war prisoners, we were located in the Syrezk concentration camp, situated in the vicinity of Kiev. On 18 August, numbering 100 men, we were sent to Babi-Yar. There we were put into chains and were ordered to excavate and to burn the corpses of Soviet citizens who had been exterminated by the Germans. The Germans brought here granite monuments, and iron grills from the cemetery. From these monuments we made platforms on which we placed rails; on top of these rails we placed the iron grills. On the iron grills a layer of firewood was placed, and on top of this layer of firewood a layer of corpses. On the corpses again there was placed a layer of firewood, and all - or the whole was covered with gasoline. This system was employed in preparing layer after layer of corpses; then they were ignited. In each one of such "ovens" there was placed from 2,500 to 3,000 corpses. The Germans formed special crews (brigades) of peopl who were employed for the removal from the corpses of earrings, rings, and gold teeth.

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'After all the corpses were burned, new "ovens" were arranged, and so forth. The bones were ground into minute particles, and any ashes were strewn in the ditch so that no traces would be left. The men worked from twelve to fifteen hours per day.

'In order to expedite the work, the Germans used excavaters. From 18 August until the day of our escape, 29 September, approximately 70,000 corpses were burned." I close my quotation here.

I ask the Tribunal to refer to document which is found on page 287, volume 2 of the document book, second column. This is the report of the Extraordinary State Commission of crimes in the territory of Latvia USSR. The place I refer to I show the Tribunal is the mentioning of the Hitlerites systematic carrying of of mass executions in the Forest of Bikernek. I quote this place, because further on we shall present the documentary record which refers in full detail to these mass shootings. I begin the quotation:

"In the Forest of Bikernek, located on the outskirts of Riga, the Hitlerites shot 46,500 Soviet citizens. The witnesses who lived in the vicinity of the wood not far from this Forest testified: 'On Friday and Saturday, before Easter 1942, fully occupied busses went back and forth twenty-four hours a day from the town to the forest. I counted forty-one busses from the beginning of the morning on Friday to noon, -- forty-one busses passed my house. On the first day, Easter, many inhabitants, and I among them, went into the forest to the place of the executions. We saw there one large open pit where there were corpses of shot people; women and children, naked, nude, or in their underwaer. There were traces of tortures on the corpses, women and children, many of whom had black and blue spots on their faces and on their heads. Some had their hands and fingers cut off; their eyes gouged out; their stomachs ripped opened."

I also quote one paragraph and continue; "The commission discovered at the place of execution fifty-five graves, with a total area of 2885 meters."

I quote one more paragraph which was in this communication:

"In the Forest of Dreilein, five or seven kilometers from Riga, along the cross-country highway to Luban, the Germans, I say, shot over 13,000 peaceful Soviet citizens and prisoners of war." The witness Ganus testified:

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"Beginning of August 1944, the Germans organized excavation crews to open the graves, and they were burned the bodies throughout the whole week. The Forest was surrounded by German guards with machine guns. After 20 August, black-closed autocars filled with women and children, among whom one-third of the people were women, children, and so-called refugees from Riga began to arrive: They were shot and their bodies were burned at once. I had hidden in the brush and watched the terrible scene. The people cried terribly. I heard shouts of murderers, butchers, hangmen, and executioners, and the children cried, Mama, don't leave me.' The bullets of the murderers interrupted their cries." I conclude this document because it is more or less repetitious, and because I want to call the Tribunal's attention to the fact that in this Forest there were 38,000 people who were shot.

I ask the Tribunal further to refer to the document already presented to the Tribunal as USSR-47, the report of the Soviet Extraordinary State Commission on crimes committed by the Germans in Odessa and the Odessa Region. I shall refer to two short excerpts, and the two paragraphs are very short. The one place I would like to quote to the members of the Tribunal will be found on page 287, volume 1, second column of the text, the fifth paragraph, and I begin:

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"On 21 December 1943 the Rumanians started executing the inmates of the camp. The inmates, under guard, were driven to the building which is found on the edge of the forest. There they were made to kneel down near the ditch, and then they were shot. The people who were shot, and sometimes, the people who were only wounded, used to fall into the bottom of the ditch, where there was a gigantic bonfire built, and the small children were thrown by the executioners, alive, into this fire. Burning of the corpses was going on around the clock."

I interrupt my quotation here, and I would like the members of the Tribunal to refer to page 283, second column, third paragraph where there is, in summary fashion, a resume of the statements contained.

According to the preliminary investigation, as established by the Commission, the German-Rumanian occupants shot, turtored and burned in Odessa and the Odessa region up to 200,000 people.

In confirmation of the fact that during mass executions the German criminals would bury in the ground people who were still alive during the mass executions, I submit to the Tribunal, under USSR Number 37, the report of the Extraordinary State Commission, dated 24 June 1943, and I am going to quote the report, which the members of the Tribunal will find on page 259 in the second volume of the document. The place that I refer to is to be found on page 362:

While excavating the pit at the foot of the chalk hill at the town of Kupinsk 71 bodies were discovered. Among them were corpses of 52 men, 18 female corpses, and one corpse of an infant. All the people shot were without footwear, and some of them were without any clothes at all. I begin the quotation at paragraph 4:

"The Commission notes that there were many who did not have fatal wounds, and evidently they were thrown into the pit and murdered while still alive. It has also been testified to by citizens who used to pass near this pit soon after the shooting, and they saw how the ground was stirring on the top of the pit, and they heard groans coming from under the ground."

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In confirmation of this fact, I ask the Tribunal to take into the record as an official act of the Extraordinary Commission, the report and interrogation of the witness who was testifying before the Prosecutor of the city of Stanoslav. This document is being presented to the Tribunal as Exhibit 346. I shall quote two paragraphs:

"In the beginning of 1943 we burned people there in the cemetery where we took some firewood. There were cases when women and children were thrown into the pits alive and were murdered in the ground.

"One woman, whose name I do not know, begged an officer not to shoot her, and he gave her his word that she would not be shot. He even said, 'I give an officer's word that you will not be shot', and after the group of which this woman was a member had been shot, this officer grabbed her and while she was alive, he threw her into the pit, and I buried her while she was alive."

There were several cases where burying alive was premeditated by the criminals in order to give a special cruelty. In other cases, this burying alive was because the murderers did not consider it necessary to see whether the people who were being exterminated were still alive or dead.

The investigation of the data on exhumation of bodies, data of which the Germans could not destroy traces, shows that at the end of 1941 and in 1942 the criminals did not particularly attempt to hide or mask the places of mass shootings, in spite of the instructions about keeping secret so-called mass executions. I think it can be explained by the fact that the Germans, though they had suffered already in individual battles, were still absolutely certain of their final victory. Later on, this was changed.

I refer to the document which has already been presented to the Tribunal as Exhibit USSR 28, a report of the Extraordinary Commission about atrocities committed by Germans in the region of Stalinsk. There is a report of the Medical-Legal Commission about the atrocities in the alabaster quarries in the vicinity of the city of Artemovsk. I shall quote only a few brief excerpts from this large document, which is an official report.

In the document book, page 366, fifth paragraph of the first column, the members of the Tribunal will find the following:

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"Two kilometers from the city of Artemovsk in the tunnel of the alabaster quarries, at a distance of 400 meters from the entrance, there is a small hole which is covered with brick. After the bricks were removed, there was a continuation of the tunnel which was discovered. This was a narrow passage, going steeply up, and at the entrance there was a wide broad cavern, 200 meters in length, 300 meters in width, and three or four meters high. The whole cavern was filled with bodies, and only a small area at the entrance and a very narrow strip in the center were free from the corpses. They were closely pressedn one to the other, and their backs were towards the entrance fo the cavern.

"This is quite typical because it shows the usual methodical German routine, shooting at the back of the head. The corpses were wedged in so closely that at first glance, it appeared as though there was just one mass of bodies intertwined one with another. The rear ranks were thrown on first and they were pressed to the walls of the cavern. They laid in several ranks."

I omit several passages, and I merely quote the conclusion of the Legal-Medical Commission. You will find this on page 366, volume two, second column:

"According to thetestimony of the inhabitants of Artemovsk, on 9 November 1942, in the abandoned alabaster quarries, several thousand people were driven. They had with them their small household possessions and food."

I omit the remaining part of the paragraph and continue:

"As soon as the cavern was filled with people, they were shot while either in a standing position or kneeling down. Then another group would be driven in and would be shot right on the corpses of the first group, and then the corpses that were shot were piled one on top of another. Several people tried to run away from the murderers but died in tortures."

I omit two pages of my presentation, and I ask the Tribunal to continue on page 209 of my presentation. In the period of mass executions, the German fascist criminals created definite methods, and I would like to cite several of the most typical, because, as in the matter of presentation, the Tribunal

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will see how this criminal technique was effected by the Germans and how more and more cynical and more and more cruel and premeditated those atrocities were, and in confirmation of this, I would like to present several documents to the Tribunal.

THE PRESIDENT: We shall have to break off now. It is four o'clock.

The Tribunal would be glad to know how much longer your presentation will be.

COLONEL SMIRNOV: I shall finish my presentation of evidence tomorrow.

(The Tribunal adjourned until 19 February 1946 at 1000 hours.)